

PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD

MONDAY, MAY 22, 2006

3:00 P.M., J. MARTIN GRIESEL ROOM, CENTENNIAL PLAZA II

The Historic Conservation Board met at 3:06 P.M., in the J. Martin Griesel Room, Centennial Plaza II, with members Spraul-Schmidt, Sullebarger, Chatterjee, Kirk, Kreider and Wallace present. Absent: Bloomfield, Senhauser and Raser.

MINUTES

The Historic Conservation Board unanimously approved the minutes of April 24, 2006 meeting (motion by Sullebarger, second by Chatterjee).

CERTIFICATE OF APPROPRIATENESS, 508 LIBERTY HILL STREET, PROSPECT HILL HISTORIC DISTRICT

Staff member Caroline Kellam presented a report on 508 Liberty Hill. The property contributes to the Prospect Hill Historic District and is zoned RM-1.2. The report addressed an air conditioning condenser unit installed in front of the house and a stone wall built to screen the unit from view. The unit and wall were installed without a Certificate of Appropriateness or building permit.

Ms. Kellam stated that according to the installer, the unit needed to be less than 50' from the furnace and have proper ventilation (2'-3') around the unit. The unit will operate more efficiently the closer it is to the furnace. Ms. Kellam stated the unit located on the street façade of the building and reviewed alternate installation locations that would better fit the conservation guidelines.

The applicant, Wendy Piper, presented her proposal to the Prospect Hill Neighborhood Association on May 1, 2006. They voted unanimously to support the project, and staff received a letter from the association in support of Ms. Piper. Staff also included in the staff report several letters from neighbors in support of allowing the unit to remain in its current location.

Ms. Piper stated that she was unaware that a building permit was needed to install the condenser. She stated that her furnace is located in the front area of the basement and the close proximity of the condenser to the furnace provides for more efficient and economical operation. She stated the condenser is not visible from the street and the screen wall was originally part of a landscaping wall that she moved and elevated enough to conceal the air conditioning unit. Ms. Piper provided color photos for the Board members to review.

In response to Mr. Kirk, Mr. J.E. Nachod stated the front location had been the best site considered at the time due to the furnace location. He indicated the alternate locations would require costly preparation work, increased operating expenses and a much greater amount of piping.

In response to Ms. Wallace's question, Ms. Piper stated that the alternate location in the side yard the unit would be adjacent to her neighbor's patio and visible from Corporation Alley.

Bill Hopping, 539 Milton Street, stated he supported a Certificate of Appropriateness for Ms. Piper's air conditioning installation. He affirmed the unit was not visible from the street and stated his opinion that it was not offensive in any way.

BOARD ACTION

The Board voted unanimously (motion by Kreider, second by Chatterjee) to approve a Certificate of Appropriateness for the installation of the air conditioning unit. The Board noted that the unit was installed without a building permit and stated that property owners are responsible for permit applications.

CERTIFICATE OF APPROPRIATENESS, 518, 520 AND 526 READING ROAD, OVER-THE –RHINE HISTORIC DISTRICT

Mr. Forwood reported that the applicant has requested this item to be postponed to the June 12, 2006 Historic Conservation Board meeting.

CERTIFICATE OF APPROPRIATENESS AND DD REVIEW, 355 WEST FOURTH STREET, WEST FOURTH STREET HISTORIC DISTRICT

Staff member Caroline Kellam gave a brief description of Parker Flats, a proposed condominium project by Middle Earth Properties. This project was presented to the Board on April 10, 2006 as a preliminary design review. In response to the concerns of the Board, the developers made some revisions to their initial plans. The lower floors were redesigned to provide a stronger base for the building and better emphasize the pedestrian entry on 4th Street. The base was lightened in color with oversize block to reference a storefront. Display windows have been pocketed to enhance the exterior and to obstruct the view of the garage interior. All of the awnings were changed from metal to fabric and crosstie bays were revised to be equal width. Staff feels that an effort has been made on the part of the applicant to make the design better meet the guidelines.

A pre-hearing was held on May 16, 2006, and Kim Klosterman, a property owner across the street attended. She had no issues with the design but expressed concern about the loss of on-street parking during construction. Margo Warminski, Cincinnati Preservation Association, reviewed plans independently but did not comment.

Mr. Kirk suggested that the garage entry on Fourth Street be divided to reduce its scale on the façade. Tim Voss, Middle Earth Properties, stated the garage opening would not be wide enough to accommodate a pylon to divide the entrance and exit lanes, given the turning radii and traffic patterns on Fourth Street.

BOARD ACTION

The Board voted unanimously (motion by Sullebarger, second by Chatterjee) to approve a Certificate of Appropriateness for the construction of the building at 355 West Fourth Street as proposed with final plans to be reviewed and approved by the Urban Conservator and the chairman of the HCB prior to issuing a Certificate of Appropriateness and a building permit.

CERTIFICATE OF APPROPRIATENESS, 817 ELM STREET, 819-823 ELM STREET, AND 205 W. 9th STREET, NINTH STREET HISTORIC DISTICT

Ms. Cowden stated that Towne Properties has an option to purchase 817 Elm Street, 819-823 Elm Street and 205 W. 9th Street in the Ninth Street Historic District. Towne Properties was proposing to demolish three contributing buildings and construct a new multi-family residence. The new building will be four-stories tall and contain 15 residential condominiums over ground floor parking.

The development site at the southwest corner of Elm and W. 9th Streets includes a pair of three-story brick Italianate buildings at 819-823 Elm Street and a two-story brick Greek Revival single-family residence is located at 205 W. 9th Street. A fourth parcel at 817 Elm Street is a surface parking lot and has been vacant at least since 1922.

A prehearing meeting was held on May 17, 2006. Frank Lazarovski (227 & 229 W. 9th Street) and Shirley Shively and Dan Schloemer, representing Gerner Law at 215 W. 9th Street, attended the meeting. Mr. Lazarovski indicated that he would typically support retaining a historic architecture, but in this circumstance the benefits of the new condominium building outweighed the loss of the three buildings. He suggested that the developer consider first floor retail but expressed his support of the project. Ms. Shively said the buildings were a poorly maintained eyesore, and the corner store contributed to social behavior detrimental to the neighborhood. She stated her strong support of the project and conveyed that of Mr. Gerner, owner of Gerner Law.

Connie Wilson (The Waldo at 8th & Elm Streets), Sean Donovan (235 W. Court Street), Jim Caskey (127 W. 9th Street), William M. and Mary Anne Sasser (124 W. 9th Street), Patrick M. Korb (133 W. 9th Street), Nathan Bishop (815 Elm Street), and Michael L. Krienik (115 and 219 W. 9th Street) wrote letters in support of Towne Properties' proposal. Margo Warminski, Cincinnati Preservation Association, wrote a letter expressing the organization's concerns about the proposed demolition.

Ms. Cowden summarized for the Board the requirements for the demolition of a contributing building in an historic district. She stated an applicant must demonstrate that there is no feasible and prudent alternative or environmental change that would conform to the district guidelines. The applicant must also show that the strict application of the guidelines would deny him/her a reasonable rate of return and would amount to a taking of the property without just compensation.

The Board may delay an application under § 1435-23 of the Zoning Code if it finds a structure is of great significance. Ms. Cowden reminded the Board they had not found the building to be of great significance in prior meetings. However, in a conversation with staff this morning, Pierce Rudd (239 W. Court Street) indicated that 205 W. 9th Street was one of the earliest residences remaining in the downtown. A review of available office files suggests this was not the case. An OHI form prepared by Steve Gordon states the building was in all likelihood built c. 1860 by John Morelli. While a significant part of the Ninth Street streetscape it was not described as either a rare or outstanding example of Greek Revival architecture. Similarly, there is no known link with an important person. For example, 125 W. 9th Street was associated with educator Thomas V. Morrow while 127 W. 9th Street was associated with Thomas Emery.

Towne Properties contends that the buildings are in poor condition and are not financially viable to renovate. Mr. Bortz has submitted a conditions report from THP Limited, Inc. and pro formas for residential and commercial uses. THP Limited, Inc. determined that the buildings were in poor condition and that although renovation was possible, the work would require significant reconstruction and cost.

Staff remains concerned about the loss of contributing buildings; however, Towne Properties has submitted a complete application demonstrating that an economic return cannot be realized from the rehabilitation of the buildings and has met the requirements outlined in the Ninth Street Historic District Conservation Guidelines. Mr. Forwood indicated that if the Board concurs that the applicant has met that test, it is obligated to approve a Certificate of Appropriateness, though it may condition that approval on later review and approval of the replacement building.

GBBN Architects has submitted plans and modeling studies for the new multi-family building. Ms. Cowden said that while this documentation was informative, it was not sufficient for a final approval of a Certificate of Appropriateness. Staff recommended the Board address the demolition and condition its approval on its later review and acceptance of the new structure.

Rich Cappel, business owner, stated he supported the demolition and new building. He stated a current property tenant was a crime/safety liability for the neighborhood and the new residential units would be an asset.

Patrick Korb, longtime 9th Street resident, stated although he did not like to see demolition of historic buildings, in this case it would be an improvement. He said the design of the new residential was sensitive to the historic neighborhood.

Chris Gibbons, longtime resident and developer, stated his company considered renovating the 819-823 Elm Street buildings in the past and determined it would not be feasible to do so. He said he supported the demolition and new construction.

Sean Donovan, neighboring property owner, stated he has watched the buildings under consideration deteriorate over the past three years. He felt if they were not torn down they would

eventually fall down. He stated he felt that Towne Properties created quality buildings and the project would bring new residents to the community.

Margo Warminski, Cincinnati Preservation Association, stated demolishing the three corner buildings would radically change the streetscape. She opined that in most instances the case could be made that a newer larger building will produce greater financial returns than renovating a historic building. She stated that the City should enforce Building Code requirements more stringently to prevent the neglect that can lead to a building's demolition.

Matt Scheidt, architect, stated he inspected 819-823 Elm Street about a year ago and felt the buildings were in above average condition. He said there are dozens of examples of buildings in worse condition that have successfully been renovated. He felt the criteria used to evaluate demolition cases would not protect deteriorated but still viable historic buildings.

Ms. Wallace said it is not her desire to see unchecked demolition in historic districts based on the fact that renovation is not as profitable as new construction. She agreed with Ms. Spraul-Schmidt that demolition in a historic district is not the best way to remove a problematic tenant. Ms. Sullebarger agreed, but added the "financial hardship" portion has been in the historic conservation legislation since it was passed in 1980. She said voting to allow demolition in this instance would not be setting a precedent and there was not an alternative under the law.

BOARD ACTION

The Board voted unanimously (motion by Sullebarger, second by Chatterjee) to approve a Certificate of Appropriateness for the demolition of 819-823 Elm Street and 205 W. 9th Street, finding that Towne Properties has submitted the necessary documentation to demonstrate that a reasonable economic return cannot be realized from the use of all or part of the buildings at these addresses, with the following conditions:

- a. The applicant shall prepare and submit an Ohio Historic Inventory form for each building and submit photographic documentation of the interior and exterior of all the buildings to the Historic Conservation Office prior to demolition.
- b. The buildings shall not be demolished until final designs and material selections for the new multi-family building are submitted to and approved by the Historic Conservation Board.
- c. The Certificate of Appropriateness shall be valid for a two-year period only starting from May 22, 2006.

ADJOURN

As there were no other items for consideration by the Board, the meeting adjourned.

William L. Forwood
Urban Conservator

John C. Senhauser
Chairman

Date: _____